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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/631,413	08/03/2000	Christophe Berthaud	ICB-0027	9595

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EXAMINER

WANG, JIN CHENG

ART UNIT PAPER NUMBER

2672

DATE MAILED: 07/24/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Advisory Action

Application No.

09/631,413

Applicant(s)

BERTHAUD, CHRISTOPHE

Examiner

Jin-Cheng Wang

Art Unit

2672

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 June 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because:
Applicant argues in essence with respect to claim 1 and similar claims that "the rejection of the claims is not a proper inherency rejection and evidence submitted previously by Applicant must be considered and claims allowed". Applicant continued "there are no such embodiments shown in the Olsen reference either explicitly or inherently" with regards to the physical contact being made between "the at least partially transparent outer element which covers the display means or forms an outer portion of these display means" and "the sensitive pads which control the movement of a cursor on a display screen".

In response, the examiner asserts that Olsen in different embodiments teaches the claimed limitation of "the physical contact." In column 7, lines 5-10, Olsen teaches "the programmable computer housing 90 makes physical contact with the computer mouse housing 88 and the device of Figure 7 maintains the portability of the timekeeping and programmable computer component of the pointing device. In column 6, lines 50-60, Olsen teaches that "the programmable computer 86 is a watch similar to the watch device discussed above". Therefore, Figures 6 and 7 demonstrates a watch device.

Figures 6 and 7 along with the meaning of "housing" as taught by Olsen all clearly show the claimed limitation of "support" between "touch sensitive sensors" and "an outer element". Moreover, In column 6, lines 35-67 and column 7, lines 1-25 of Olsen, it is stated "the programmable computer housing 90 contains the programmable computer components (e.g., the programmable computer 86)...the programmable computer 86 has a display 104...the computer mouse housing 88 has a saddle 92 for COUPLING the programmable computer 86 to the computer mouse 84...the programmable computer housing 90 makes PHYSICAL CONTACT with the computer mouse housing 88." Figures 6 and 7 of Olsen teaches among other things the concept of "support". Therefore, Olsen teaches that the outer element (i.e., the programmable computer housing 90) covers the display means (i.e., display 104) or forms an outer portion (i.e., the programmable computer housing 90 of figure 7) of these display means (i.e., display 104), and the sensitive pads of the touch sensitive sensors (i.e., motion sensors) within the computer mouse 84 are supported at least partially by the outer element (i.e., the programmable computer housing 90 and/or the computer mouse housing 88). As applied to the present application, Olsen fulfills the claimed limitation that the outer element covers the display means or forms an outer portion of these display means, and the sensitive pads of the touch sensitive sensors are supported at least partially by the outer element.

Moreover, Applicant argues "In fact, in Olsen's Figures 4 and 5, display 60 is separate from the keypads 66 or keys 64. Thus, the cover for the display 60 of Olsen does not at least partially support keypads 66 or keys 64". Applicant selects certain embodiments of Olsen's teaching against the claimed limitations. Although Olsen does not describe the embodiment in detail, however, the inherency of "physical contacts between an outer element and sensitive pads with respect to Figures 4 and 5 are self-evident in terms of teachings in other embodiments (e.g., the watch device of Figures 6 and 7, see the examiner assertion set forth in above with respect to Figures 6 and 7).



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